

**WASHINGTON, DC**—Congressman Peter DeFazio and Senator Jeff Merkley have joined forces to fight a lawsuit that would prevent the Department of Labor (DOL) from closing foreign worker visa loopholes to protect American workers.

DeFazio and Merkley successfully fought for stronger DOL rules to protect American workers and taxpayer dollars. In February, DOL took steps to close loopholes in the visa system that allowed companies to win federal contracts by hiring low wage foreign workers over out-of-work Oregonians. However, in April a Florida landscaping company and the U.S. Chamber of Commerce filed a lawsuit to halt the reforms. The lawsuit claims that DOL does not have the authority to close these loopholes despite the fact that DOL has been issuing visa rules for 60 years.

DeFazio and Merkley filed an amicus brief, a formal document, which explains to the court that Congress has given clear authority to DOL to close these loopholes.

“It is obscene that U.S. companies who abused legal loopholes to squeeze greater profits out of federal contracts are using our legal system to block reforms that protect American workers. I will continue to fight this frivolous lawsuit, protect jobs here at home, and fix these loopholes. It’s the right thing to do for taxpayers and it’s the right thing to do for American workers,” said DeFazio.

“We need to end these abuses so the Oregonians who deserve these jobs, get them,” said Merkley. “I’m pleased to join forces with Congressman DeFazio to fight this lawsuit and make sure that we end the practice of hiring foreign forest workers over Oregonians.”

To access DeFazio’s audio statement, click the attached file or go to his website: [http://defazio.house.gov/index.php?option=com\\_content&view=article&id=244&Itemid=77](http://defazio.house.gov/index.php?option=com_content&view=article&id=244&Itemid=77)

### BACKGROUND

In 2010, the *Bend Bulletin* reported that federal stimulus funds were awarded to private contractors in Oregon who underbid their competition by using foreign laborers. As a result of this reporting, DeFazio asked the DOL Inspector General (IG) to investigate these contracts. The IG investigation found that these companies exploited federal loopholes and hired foreign workers over out of work Oregonians and that federal and state agencies failed to properly oversee the contracts. In response, DeFazio and Merkley fought for changes to the program and DOL agreed to reforms.

DeFazio and Merkley introduced The American Jobs in American Forests Act to further reform the H-2B process to ensure that contractors are held to even tougher standards.

The amicus brief contains the following statement from DeFazio and Merkley.

“Amicus Peter DeFazio represents the Fourth Congressional District of Oregon in the United States House of Representatives and Amicus Jeffrey A. Merkley represents the State of Oregon in the United States Senate. Both represent areas which include extensive public forests that have traditionally provided a substantial number of forestry jobs for U.S. residents of the state. Congressman DeFazio is a senior member of the House Transportation and Infrastructure Committee where he serves as ranking member of the Highways and Transit Subcommittee. DeFazio also serves on the House Natural Resources Committee, where he sits on the National Parks, Forests and Public Lands Subcommittee. Senator Merkley serves on the Senate Committee on Health, Education, Labor and Pensions, which has jurisdiction that encompasses most federal labor and employment laws, including those that regulate wages and hours of employment. Merkley also serves on the Environment and Public Works Committee which has jurisdiction over environmental laws that interact with management of public forests. In response to a request from DeFazio, last fall the Inspector General for the Department of Labor concluded that at least \$7 million in federal stimulus money intended to provide jobs to unemployed Oregonians was instead used to employ 254 H-2B foreign workers in communities with unemployment rates that were much higher than the national average. Congressman DeFazio and Senator Merkley believe that inadequate recruitment requirements and other flaws in the administration of the H-2B program have resulted in the loss of employment opportunities for U.S. citizens and that updated and improved rules for administering the H-2B program would increase employment opportunities for U.S. citizens they represent. Furthermore, Congressman DeFazio and Senator Merkley believe that Congressional intent is clear in providing the Secretary of Labor with the authority to promulgate rules for the H-2B program.”

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